

from the State of Montana into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, variously, in part: (Retail packages) "One Pound Net Weight, Armour's Cloverbloom Pasteurized Creamery Butter;" "Pasteurized Net Weight One Pound, Highest Grade Cloverbloom Brand Creamery Butter, Distributed by Armour & Co.;" "Net Weight Two Pounds, Highest Grade Cloverbloom Brand Creamery Butter, Distributed by Armour & Co.;" "Net Weight Four Ounces Made from Fancy Pasteurized Cream;" "1 Lb. Net Weight. This butter is made from pure pasteurized cream."

Misbranding was alleged in the libel for the reason that the statements, "One Pound Net Weight," "Net Weight One Pound," "Net Weight Two Pounds," "Net Weight Four Ounces," and "1 Lb. Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained less than the declared quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On July 10, 1928, Armour & Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be made to conform with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16041. Adulteration of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 22979. I. S. No. 02455. S. No. 959.)

On July 10, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, consigned about June 29, 1928, alleging that the article had been shipped by H. C. Christians, Johnson Creek, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 23, 1928, the H. C. Christians Co., Johnson Creek, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$300 in lieu of bond, conditioned in part that it be reworked so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16042. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23015. I. S. No. 03007. S. No. 1070.)

On August 25, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lindley Buster Produce Co., from Bucklin, Mo., on or about July 28, 1928, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16043. Adulteration of chicken livers. U. S. v. 7 Cases of Chicken Livers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22964. I. S. No. 02824. S. No. 1039.)

On August 9, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cases of chicken livers, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cudahy Packing Co., from Kansas City, Mo., on or about July 6, 1928, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16044. Adulteration and misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22726, 22768. I. S. Nos. 16339-x, 16342-x. S. Nos. 769, 793.)

On April 23 and May 9, 1928, respectively, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 50 cases of canned cherries at Norfolk, Va., consigned by the Edgett-Burnham Co., Newark, N. Y., alleging that the article had been shipped from Newark, N. Y., in part on or about September 10, 1927, and in part on or about September 24, 1927, and had been transported from the State of New York into the State of Virginia, and charging adulteration with respect to all of the product, and misbranding with respect to a portion thereof, in violation of the food and drugs act as amended. The article was labeled in part: "Fairville Brand Pitted Red Sour Cherries, Packed by Edgett-Burnham Company, Newark, New York, Contents 1 lb. 4 Oz."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "Contents 1 lb. 4 oz.," borne on the label, was false and misleading and deceived the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*

16045. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23010. I. S. No. 03012. S. No. 1093.)

On August 24, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry at New York, N. Y., alleging that the article had been shipped by T. Jensen & Sons, August 9, 1928, from Emporia, Kans., and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.